

European Communities

EUROPEAN PARLIAMENT

Working Documents

1973-1974

4 February 1974

DOCUMENT 343/73

SECOND REPORT

drawn up on behalf of the Committee on Regional Policy and Transport

on the proposal from the Commission of the European Communities to the
Council (Doc. 161/72-II) for a directive on the approximation of Member States'
legislation on technical inspection of motor vehicles and trailers

Rapporteur : Mr Michael HERBERT

PE 31.414/3

By letter of 11 October 1972, the President of the Council of the European Communities requested the European Parliament to deliver an opinion on the proposals from the Commission of the European Communities to the Council for:

- I. a directive on the harmonization of the laws relating to vehicle driving licences,
- II. a directive on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers (Doc. 161/72).

On 24 October 1972, the President of the European Parliament referred these proposals to the Transport Committee as the Committee responsible.

The Transport Committee appointed Mr P. B. COUSTE rapporteur on 9 October 1972; on 10 April 1973 the newly formed Committee on Regional Policy and Transport replaced him by Mr Raymond BOUSQUET. It discussed the proposals at its meetings of 24 October 1972 and 10 April 1973.

At its meeting of 10 April 1973, the Committee unanimously adopted the motion for a resolution and the explanatory statement.

The following were present: Mr James Hill, Chairman; Mr KOLLWELTER and Mr SEEFELD, Vice-Chairmen; Mr BOUSQUET, Rapporteur; Mr BOS (deputizing for Mr COLIN), Lord BRECON, Mr DELMOTTE, Mr HERBERT, Mr JOHNSTON, Mr MITTERDORFER, Mr MURSCH, Mr POUNDER and Mr SCHWABE.

The Report was referred back to the Committee by the Parliament on 9th May 1973.

At its meeting of 12 September the Committee appointed Mr A. JARROT rapporteur in the place of Mr Raymond BOUSQUET who was no longer a member of the European Parliament, who was subsequently replaced by Mr HERBERT.

At its meeting of 22 January 1974, the Committee discussed the Report and agreed, in view of the large number of amendments tabled to the directive on the harmonisation of the laws relating to vehicle driving licences that they would first consider the amendments to, and report on, the directive on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers.

The Committee will then consider the directive on vehicle driving licences and the amendments tabled to it and will deliver an opinion on it in a Third Report.

At its meeting of 22 January 1974, the Committee unanimously adopted the motion for a resolution and the explanatory statement.

The following were present: Mr James HILL, chairman; Mr SEEFELD, vice-chairman; Mr HERBERT, rapporteur; Mr DELMOTTE, Mr FABBRINI, Mr GERLACH, The Earl of MANSFIELD, Mr MARTENS (deputizing for Mr PETRE); Mr MITTERDORFER, Mr MURSCH, Mr POUNDER, Mr SCHWABE and Mr STARKE.

The opinion of the Legal Affairs Committee is attached.

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The Committee on Regional Policy and Transport hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for:

- II. a directive on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers.

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council¹;
 - having been consulted by the Council (Doc. 161/72 - II);
 - having regard to the second report of the Committee on Regional Policy and Transport and the Opinion of the Legal Affairs Committee (Doc. 343/73);
 - considering that road traffic conditions are becoming increasingly difficult and dangerous;
 - stresses that a safer and more expeditious traffic flow can be achieved by measures covering not simply infrastructure but also vehicles.
1. Welcomes accordingly the proposed directive from the Commission for the approximation of national laws on vehicle roadworthiness tests.
 2. Considers as regards roadworthiness testing of vehicles that the Commission should initially confine itself to harmonizing the list of vehicle parts or items of equipment for inspecting as well as certain methods and conditions of test;
 3. Nevertheless invites the Commission to act on its intentions and submit a proposal in the fairly near future for the harmonization of special technical standards for certain items of equipment, particularly devices to eliminate noise and exhaust fumes;
 4. Considers that when a used vehicle is imported, a roadworthiness test should be carried out before the vehicle is re-registered, irrespective of when it was last tested in the country of origin;

¹ OJ No. C 119, 16.11.1972, p.1

5. Approves the proposed directive in the realization that while it may be high, the cost of such tests is still low compared with the increasing cost of traffic accidents, not only in financial but also in human terms;
6. Trusts that the provision in question will be speedily introduced and strictly applied in the Member States;
7. Requests the Commission to endorse the following amendments in accordance with Article 149 of the Treaty establishing the EEC;
8. Instructs its President to forward this resolution and the report of its committee to the Council and Commission of the European Communities.

Proposal for a Council Directive on the
approximation of the laws of the Member
States relating to roadworthiness tests
for motor vehicles and their trailers

Preamble and recitals unchanged

Article 1

(Date of introduction of roadworthi-
ness tests conforming to Community
requirements.)

The Member States shall take the
necessary steps to ensure that, as
from 1 January 1975 at the latest,
motor vehicles and their trailers
registered in their territory shall
be tested for roadworthiness in
accordance with the provisions of
this Directive and of its Annexes,
which form an integral part thereof.

Article 1

Date of introduction of regular
roadworthiness tests conforming to
Community requirements.

The Member States shall take the
necessary steps to ensure that, as
soon as possible and at the latest
one year after this Directive has
been adopted, motor vehicles and
their trailers registered in their
territory shall be regularly tested
for roadworthiness in accordance
with the provisions of this Directive
and of its Annexes, which form an
integral part thereof.

Articles 2 to 7 unchanged

Article 8

(Imported used vehicles)

Each Member State shall, before regis-
tering any imported used vehicle,
require it to undergo a roadworthiness
test. Such test shall not be required
if it is proved, by a certificate
issued in any Member State from which
the vehicle is imported, that the
vehicle was tested within the two
months immediately proceeding the
request for registration.

Article 8

Imported used vehicles

Each Member State shall, before
registering any imported used
vehicle, require it to undergo a
roadworthiness test.

(Second sentence deleted)

¹For full text see OJ C 119 of 16.11.1972, p.1.

Article 9 unchanged

Article 10

(Time-limits for periodic tests)

1. For vehicles first put on the road, the time-limit for the first roadworthiness test shall be reckoned from the date of issue of the registration plate.

2. For vehicles which are taken off the road for at least six months, either by the owner, who shall have duly informed the competent authority of the fact, or as a result of official action, the time-limit for the next roadworthiness test shall be extended by a period corresponding to the time the vehicle is off the road.

If, however, the date fixed for the test falls within the period when the vehicle is temporarily off the road, the vehicle shall not be readmitted on the road unless it has undergone the test.

3. The time-limit for presenting the vehicle for testing may, at the request of the holder of the certificate of registration, or by the testing centre of its own accord, be extended for a period not exceeding two months.

Article 10

Time-limits for periodic tests

1. unchanged

2. deleted

3. deleted

Article 11

(Carrying out of the test)

1. The tests to be carried out are described in Annex I. If the result of the test is satisfactory as provided in paragraph 3, a roadworthiness disc in the form set out in Annex II shall be issued.

2. The roadworthiness disc shall be first affixed upon the vehicle when the vehicle is registered. After each periodic test a new disc shall be affixed.

The roadworthiness disc shall be firmly affixed and, if practicable, shall be affixed to the rear registration plate. If this is impracticable, it shall be affixed in some other place clearly visible from outside the vehicle.

The roadworthiness disc shall cease to be valid at the end of the second month following the month indicated on the disc.

3. When a vehicle is found to be in good running order, with no defects likely to affect the smooth flow or safety of traffic, the testing centre shall issue and affix a roadworthiness disc.

When defects are found which do not constitute any immediate danger for traffic safety, but nevertheless make the continued use of the vehicle on the road unsafe, the testing centre shall fix a maximum time-limit by which the vehicle shall be re-tested for the purpose of checking whether the defects have been eliminated.

Article 11

Carrying out of the test

1. unchanged

2. unchanged

3. unchanged

TEXT PROPOSED BY THE COMMISSION OF
THE EUROPEAN COMMUNITIES

AMENDED TEXT

The defects found and the time-limit granted for re-testing shall be recorded on a document to be kept in the vehicle. The new roadworthiness disc shall not be issued until repair has been effected and duly verified.

unchanged

If the defects represent an immediate danger for road traffic, the vehicle shall not be used on the road except for the purpose of driving the vehicle, without passengers or load, from the testing centre to the owner's home or to a garage for repair. In this case too, the defects shall be recorded on a document issued by the testing centre to be kept in the vehicle; the roadworthiness disc shall be withdrawn.

4. Special procedures may be laid down for vehicles belonging to the armed forces and to the police.

4. Special procedures may be laid down for vehicles belonging to the armed forces and to the police. However, such vehicles shall comply with the same safety standards as other vehicles.

Articles 12 - 15 unchanged

ANNEX I
FREQUENCY AND METHOD OF TESTING

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A. FREQUENCY OF TESTS

Motor vehicles and trailers must undergo a roadworthiness test at the following intervals:

1. Motorcycles : Every 4 years.
2. Motor cars for private use : 4 years after first registration, re-testing annually thereafter.
: This provision shall apply even where the vehicle has been tested for roadworthiness pursuant to Articles 3 and 7 during the first three years following first registration.
3. Vehicles, other than those coming in categories 1 and 2 above, for the carriage of passengers (including dual-purpose vehicles) with not more than eight seats, excluding the driving seat (e.g. hire-cars, whether chauffeur-driven or self-drive, taxis, ambulances, minibuses, etc.) : 2 years after first registration, re-testing annually thereafter.

A. FREQUENCY OF TESTS

Motor vehicles and trailers must undergo a roadworthiness test at the following intervals:

1. Motorcycles, being 2 or 3 wheeled vehicles with maximum design speed exceeding 45 km/h and maximum permitted weight exceeding 250 kg and, if equipped with internal combustion engine, with a cubic capacity exceeding 50 cm³. : At the expiration of 3 years from the date of first registration and then annually.
2. unchanged
3. unchanged

TEXT PROPOSED BY THE COMMISSION OF THE EUROPEAN
COMMUNITIES

AMENDED TEXT

- | | | | |
|--|--------------------|---|---|
| 4. Vehicles for the carriage of goods, the maximum permissible weight of which does not exceed 3,500 kg. | : Every two years | 4. Vehicles for the carriage of goods, the maximum permissible weight of which does not exceed <u>5,000 kg.</u> | : <u>At the expiration of 3 years from the date of first registration and then annually</u> |
| 5. Vehicles for the carriage of goods, the maximum permissible weight of which exceeds 3,500 kg. | : Annually | 5. Vehicles for the carriage of goods, the maximum permissible weight of which exceeds <u>5,000 kg.</u> | : Annually |
| 6. Vehicles for the carriage of passengers with more than eight seats, excluding the driving seat | : Every six months | 6. unchanged | : |
| 7. Trailers with a maximum permissible weight of 1,500 kg used exclusively for the carriage of luggage, camping equipment or boats; caravans | : Every 2 years | 7. Caravans | : Every 2 years |
| 8. Trailers and semi-trailers other than those comprised in category 7 | : Annually | 8. Trailers and semi-trailers <u>over a permissible weight of 1500 kg</u> | : Annually |
| 9. Vehicles not comprised in any of the foregoing categories | : Every 2 years | 9. <u>deleted</u> | : |

ANNEX I

B. ITEMS TO BE TESTED, METHODS AND
CONDITIONS OF TEST

The test must at least cover the items listed in the table below, where these form part, whether mandatory or not, of the vehicle.

This list must not be regarded as exhaustive and in the case of public service vehicles tests may be required on additional items affecting the safety and comfort of the passengers, such as heating and ventilating systems, seat lay-out, etc.

Depending on the item concerned and the state of the vehicle, the test may comprise visual inspections or operational tests or both.

"Visual" inspection is specified wherever this is possible without dismantling a component. It may where necessary include physical manipulation of the items concerned, testing for certain noises, etc.

It must include a check on any prescribed type-approval marks of vehicles and equipment. It must also be designed to detect the following:

- Attachments and assemblies in poor condition, and any excessive play therein;
- Deformation and/or cracking likely to affect adversely the proper functioning of certain components;
- Signs of abnormal chafing (on brake lines for example);
- Abnormal or excessive wear likely to lead to rapid failure of a component;

ANNEX I

B. ITEMS TO BE TESTED, METHODS AND
CONDITIONS OF TEST

Unchanged

This list must not be regarded as exhaustive and in the case of public service vehicles tests must be required on additional items affecting the safety and comfort of passengers, such as heating and ventilating systems, seat lay-out, etc.

Unchanged

Where "visual" inspection is specified it may where necessary include physical manipulation of the items concerned, testing for certain noises, etc.

Unchanged

- | | |
|---|-----------|
| <ul style="list-style-type: none">- Leaking hoses (brake lines, for example);- Oxydation or corrosion, where these may adversely affect the integrity or proper functioning of certain components;- The absence of any mandatory safety devices;- The presence of non-standard welds or signs of heating on certain particularly important components such as the steering linkage or the axles. | Unchanged |
|---|-----------|

Basically, tests are to be carried out using conventional techniques and the equipment normally available in vehicles testing stations.

Tables of Testing Methods and
Conditions listed in Annex I
all unchanged

ANNEX II unchanged

EXPLANATORY STATEMENTI. GENERAL

1. The development of intra-Community road haulage resulting from the progressive integration of the national markets, together with the rapid and sustained growth of tourism both make a serious increase in road traffic and an aggravation of the accompanying difficulties, dangers and nuisances likely.

2. All the Member States are faced to the same degree with the problems of a safe and orderly traffic flow.

It is therefore essential for the Community organs to adopt as part of the common transport policy a number of measures to improve road traffic conditions throughout the Community.

3. Road traffic conditions may be improved by action in three main fields: infrastructure, vehicles and drivers.

It is acknowledged that the human factor is vitally important; in some countries it is estimated that drivers are responsible for 83 per cent of accidents, infrastructure and vehicles accounting for the remaining 17 per cent.

The proposed directive under consideration here sets out to harmonize at a 'reasonably stringent level' the various legal provisions in the field of vehicles.

II. ROADWORTHINESS TESTS

4. National regulations on vehicles roadworthiness tests vary widely, particularly as regards the categories of vehicles subject to compulsory tests and the frequency and extent of tests.

5. It is essential for safety that vehicles on the road should be maintained in good operating condition and fitted with the statutory equipment.

Furthermore, noise and exhaust-fume levels should be strictly limited by means of special devices subject to control.

6. The temporary laying-up of vehicles for periodic inspection and the associated costs are liable to affect the conditions of competition in commercial transport between Member States.

7. The directive proposed by the Commission seeks to standardise the essentials of roadworthiness tests: designation of the categories of vehicle to be tested, frequency and type of tests, principle of government responsibility, clear proof that the relevant test obligations have been fulfilled.

8. Foreign vehicles without a roadworthiness disc or with one that is out of date may be required to pass a test (Article 7, paragraph 2). The Legal Affairs Committee consider that in such cases testing should be compulsory.

The competent authorities in a Member State cannot be obliged to test a foreign vehicle but they should be given the possibility of so doing.

They should however, notify the Member State in which the vehicle is registered that the roadworthiness disc was missing or out of date.

If the competent authorities in a Member State opt to test a foreign vehicle, this does not exempt the vehicle from compulsory testing in the country of registration.

9. With regard to Article 3, paragraph 1, the Legal Affairs Committee consider that where a used vehicle is sold, the seller should be responsible for roadworthiness testing.

This point is covered in the Commission's text which stipulates that in such cases 'the previous owner shall be responsible for having the test carried out'.

If a used vehicle is imported (Article 8), the Committee consider that the roadworthiness test carried out in the country of origin should not exempt it from testing in the country of destination when it is re-registered.

10. As far as the type of test is concerned, the Commission has so far confined itself to harmonizing the (non-exhaustive) check list of vehicle equipment or parts as well as certain methods and conditions of test (Annex 1 B).

Prior to 1 January 1975, the Council will harmonize the special technical standards with which certain items such as brakes, lights, tyres, noise, exhaust fumes, etc. must comply to be considered satisfactory.

11. On this point, the Legal Affairs Committee propose that this list of items should be replaced by a reference to Annex 1 which details all of the components to be inspected either by visual or operational tests or both.

In Article 14, the Commission proposes that inspection procedures be harmonized for certain items of equipment only. These are items whose performance can be expressed in figures. Precise standards cannot be applied to all components to be checked and accordingly one must keep to the

Commission's text which is, moreover, not restrictive.

12. The Community provisions are to take effect "as soon as possible .

As matters stand it will be a considerable task to achieve the degree of harmonization called for in Annex I, bearing in mind the disparities between countries.

Member States are to remain at liberty to require vehicles registered in their territory to pass special tests in addition to those provided for by Community regulations. In this way, allowance can be made for special operating conditions or local situations calling for more frequent inspection of certain components.

13. Article 11, paragraph 4, leaves Member States free to lay down special procedures for military and police vehicles.

The Legal Affairs Committee considered it advisable to specify that such vehicles must comply with the same safety standards as others.

This is self-evident, for the paragraph in question concerns 'procedures' which do not affect the type of test.

The Committee nevertheless make the following addition to the Commission's text: 'However, such vehicles shall comply with the same safety standards as other vehicles'.

14. Article 12 allows for the possibility of additional intermediate tests.

Anxious to avoid the recurrence of distortions of competition which the directive seeks to eliminate, the Legal Affairs Committee wishes to see such tests limited to well-defined cases for which there is due justification.

III. CONCLUSIONS

15. Following frequent consultations and consideration of national provisions, the Committee propose that national laws be harmonized at a reasonably high compulsory level.

16. Subject to the addition of a few points of detail, the Committee approve the directive proposed by the Commission, realizing that while the costs to national budgets may be high, they may be regarded as low in relation to the cost of accidents (in both financial and human terms) and their economic implications which are difficult to quantify.

Working from national estimates, the Commission has calculated that the aggregate cost of road accidents in the Community as a whole amounts to more than 4,000 million units of account (1.15 per cent of the Community GNP). This figure corresponds to the 50,000 deaths and 1,200,000 injuries that occur each year on the Community's roads. Adding material damage and the losses to society, the estimate rises to roughly 8,000 million units of account or 2.5 per cent of the Community's GNP.

17. The Regional Policy and Transport Committee's main concern is that the proposal should be quickly introduced in the Member States and the provisions it contains strictly observed.

Opinion of the Legal Affairs Committee¹

Draftsman of the opinion : Mr S. MEISTER

The Legal Affairs Committee appointed Mr Meister draftsman of the opinion on 16 October 1972.

It examined the draft opinion at its meeting of 23 November 1972 and adopted it unanimously.

The following were present: Mr MEISTER, acting chairman and draftsman; Mr BRUGGER, Mr D'ANGELOSANTE, Mr De SANCTIS, Mr DUVAL, Mr KOCH, Mr MEMMEL, Mr SPENALE, Mr VERMEYLEN and Mr VERNASCHI.

¹Only those portions of the Opinion which relate to the directive on road-worthiness tests for motor vehicles and their trailers are reproduced here.

General observations

1. The Commission of the European Communities has asked the European Parliament for its opinion on:

.....

- a proposal for a directive on the approximation of the laws of the Member States relating to road worthiness tests for motor vehicles and their trailers.

2. This proposal forms part of the programme for the development of transport policy put forward on 8 November 1971.

3. The proposal aims at increasing road safety and at creating harmonized conditions of competition by eliminating the present distortions. These distortions are caused by the differences between national legislation in regard to the kinds of vehicles obliged to undergo testing, the intervals of time between such tests and their nature, the age of the vehicle, etc.

.....

8. The proposal under consideration envisages the approximation of laws relating to roadworthiness tests for motor vehicles and trailers. It is obvious that such approximation is necessary since vehicles deteriorate with age, apart from the fact that they are often ill-used and their maintenance neglected, this means that they function less efficiently and less safely, which in turn leads to a greater probability of accidents and to accidents being more serious when they do occur.

The approximation of national standards already in force will bring about an increase in road safety and also ensure greater protection of the environment by helping to combat noise and exhaust fumes.

It will also lead to improved conditions of competition in the field of road transport by eliminating present differences in regard to the control of lorries and buses (loads and immobilization).

9. Keenly aware of the need to acquire sufficiently wide experience before proceeding to complete harmonization, the Commission has considered it advisable, at the present time, to confine itself to harmonizing a list of parts and pieces of equipment of vehicles which ought in general to be subject to inspection, as well as certain methods and conditions of test.

Only at a later stage will it be possible to harmonize specific technical conditions (limits on operation or on the efficiency of certain devices and pieces of equipment).

10. Observations on the articles

Article 3, paragraph 1 deals with the registration of a used vehicle in the name of a new owner and the obligation on the previous owner to have the test carried out.

It might perhaps be advisable to impose the same obligation on dealers in used vehicles, who ought also to correct any defects found to be present.

Article 5: the cost of the test is to be borne by the holder of the vehicle's registration certificate and will be fixed by the public authorities at a standard rate throughout a state's territory.

This article seems to contradict the third recital which states that the costs of testing may influence conditions of competition. Even if it is not possible to fix a single Community tariff, minimum and maximum costs should be prescribed.

Furthermore, the cost of roadworthiness tests ought to be borne by used-vehicle dealers.

Article 7: foreign vehicles.

- paragraph 2: if the competent authorities of one Member State find that a foreign vehicle does not carry the roadworthiness disc or if the period of validity indicated thereon has expired, they may have the foreign vehicle tested. In our opinion this test ought to be obligatory for safety reasons.

Article 10: Calls for no comment on the whole; however, the advisability of drawing up a 'Community' register of drivers guilty of traffic offences might perhaps be considered.

Article 11

Paragraph 4: stipulates that Member States may lay down special procedures for vehicles belonging to the armed forces and police. It should be added, however, that these vehicles must meet the same safety requirements as other vehicles.

Article 12

In addition to the obligatory tests this article envisages the possibility of Member States prescribing intermediate tests. This provision might, however, restore the distortions in competition which the directive seeks to eliminate.

In this context it is worth considering whether these tests ought not to be prescribed solely in specific, well-founded instances.

Article 14

The specimen list in the final sentence should be replaced by the phrase: ' ... based on the items listed in Annex I'.